IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3875 OF 2007

M/s. Proactive In and Out
Advertising Pvt. Ltd. Petitioner

Vs.

The State of Maharashtra & Anr. Respondents

Mr. A. M. Sarogi, Advocate for the Petitioner.

Ms. V. Mhaisapurkar, AGP for the Respondent No.1.

Mr. J. G. Reddy, Advocate for Respondent No.2.

CORAM : D. G. KARNIK
AND
A. A. SAYED, JJ.
[VACATION COURT]

DATE : MAY 15, 2007.

P.C.

1. Heard the learned Counsel appearing for the parties.

2. By this petition, the Petitioner challanges the tender notice published on 3rd May 2007.

3. Learned Counsel for the Respondent No.2 states that Respondent No.2 did not receive any valid tender, and therefore, said tender notice was withdrawn and fresh tender notice was published in daily news-paper "Sakal", dated 12th May 2007. In our view, therefore, the cause of action for the petition, challenging the

tender notice does not survive.

4. Learned Counsel for the Respondent No.2 further states that Respondent No.2 also did not receive any response to tender notice dated 12th May 2007 also, and therefore, the Respondent No.2 will issue fresh tender notice.

5. In view of the statement of the learned Counsel for the Respondent No.2, petitioner seeks leave to withdraw the petition. The petition is disposed of as withdrawn.

[A. A. SAYED, J.] [D. G. KARNIK, J.]